

DISABILITY RETIREMENT
(A.C.A. § 24-7-704, Act 487 of 2007)

DEFINITIONS

1. **Active member** means any member rendering service to an employer that is covered by the System.
2. **Actual service** means service rendered in a position covered by the System and does not include purchased, free, or reciprocal service.
3. **Board** means the Board of Trustees of the Arkansas Teacher Retirement System (ATRS.)
4. **Full-time employment** for a disability retirant returning to work is defined as at least 480 hours in a fiscal year.
5. **Medical Committee** is a committee of three physicians appointed by the Board under § 24-7-303 for the purpose of evaluating disability applications.
6. **Part-time employment** for a disability retirant returning to work is defined as less than 480 hours in a fiscal year.
7. **Reciprocal service** means credited service rendered under a reciprocal system as defined by § 24-2-401.
8. **Retirant** means a former active member receiving an ATRS annuity.
9. **System** means the Arkansas Teacher Retirement System.

RULES

1. An active member must terminate employment to become eligible for disability retirement benefits.
 - A. Once the System receives a completed disability application from an active member who has five (5) or more years of actual and reciprocal service, the disability application will be evaluated by the System's Medical Committee. A member, who as a result of a personal injury or disease and who most likely is or will become totally and permanently physically or mentally incapacitated to perform the work duties of his/her position covered by the System, may be retired by the Board.

- B. The member must have been an active member of the System or a reciprocal system at the onset of the disability. Active membership continues beyond the fiscal year in which actual service is rendered provided the employing institution certifies continued employment. Leave of absence with pay, upon which the member is reported as an active member, also continues active membership. Disability protection continues for deferred members, provided the applicant's physician presents medical information to attest that the onset of the disability occurred while last employed in a position covered by the System.
- 2. Disability benefits shall be granted after a medical examination is made by or under the direction of the System's Medical Committee, and the Medical Committee reports by majority opinion in writing to the Board that the member is:
 - A. Physically or mentally totally incapacitated to perform his or her current work duties,
 - B. That the incapacity will most likely be permanent, and
 - C. That the member should be retired.
 - 3. Disability retirement benefits shall become effective the first day of the month following:
 - A. For an active member, his/her termination of active membership. Termination of active membership for disability benefits shall be the last date of employment. Paid sick leave shall extend the date of active membership and shall be included in the days of service credit; or
 - B. For a deferred member, no earlier than six months prior to the date written application is filed with the System; or
 - C. The date of application for age and service retirement benefits may be used as the date of application for disability benefits; or
 - D. For a reciprocal member, see Rule No. 6-2 (Reciprocity, No. 2, Disability on page 6-2-2).
 - 4. If the application for disability retirement benefits is denied, the date of application for disability retirement benefits may be used as the date of application for age and service retirement benefits if applicable.
 - 5. If an active member dies after applying for disability retirement, the following will apply:

- A. If the member dies before receipt of the first disability retirement check but after receiving final approval for disability retirement, the benefits will be paid under the disability retirement option selected by the member.
 - B. If the member dies after the disability application is received by the System but before disability retirement is approved, then the System shall consider the member to have died in "active" service and survivor benefits under § 24-7-710 shall be paid.
6. The annuity formula for computing disability retirement benefits is the same as age and service retirement.
7. A. A disability retirant shall not be considered terminated from employment for retirement purposes if the disability retirant returns to a position covered by the System within thirty (30) days of the effective date of retirement.
- B. A disability retirant failing to meet the termination of employment requirements shall forfeit retirement benefits until the requirements are met.
8. A. The Board or its designee may require disability retirant who has not attained age 60 to undergo a medical examination to be made by or under the direction of the Medical Committee at least annually during the first five (5) years following a member's disability retirement, and at least once in each three-year (3) period thereafter.
- B. If a disability retirant refuses to submit to the medical examination, his/her disability annuity may be suspended by the Board until the withdrawal of his/her refusal.
- C. If a disability retirant's refusal to submit to the medical examination continues for one (1) year, the disability benefit may be revoked by the Board.
- D. If after a retirant's medical examination, the Medical Committee reports to the Board that the retirant is physically and mentally able and capable of resuming duties in the position held at the time of disability retirement, then the disability retirement shall terminate. Disability retirants who are disapproved for further disability annuities shall be removed from the System's retirant payroll the earlier of six months following the review date or the first of the month following return to full-time employment.
9. Reciprocal Service - See Rule No. 6-2 (Reciprocity, No. 2, Disability on page 6-2-2).

10. If a member is approved for disability retirement but continues to work, he/she must terminate employment by the end of the fiscal year in which disability is approved. If covered employment is not terminated at that time, a new disability application must be submitted, and the Medical Committee's evaluation will be based on the new application.
11. If a member applies for disability retirement and is disapproved, he/she has the right to file a new disability application, submitting additional information for review. The effective date of disability benefits will be determined by the filing date of the original disability application.
12. A waiver of the earnings limitation is not available for disability retirees.

DISABILITY RETIRANTS RETURN TO EMPLOYMENT

RULES

Disability Retirant Employed Full Time Prior to Attaining Age and Service Retirement Eligibility

1. When a disability retirant returns to a position covered by the System as a full-time employee prior to attaining sixty (60) years of age, his or her disability retirement shall terminate.
2. It is the responsibility of the employee and employer to report a disability retirant's return to employment to the System immediately upon employment by using forms approved by and filed with the System.
3. When a disability retirant under age sixty (60) years of age returns to full-time service, he or she shall immediately become an active member of the System, his or her credited service at the time of disability retirement will be restored to the members' deposit account, and the member will be treated and reported as an active member for purposes of earning service credit.
4. The disability retirant shall not be given service credit during the time he or she received a disability retirement benefit.

Disability Retirant Employed Part-Time

1. When a disability retirant returns to a position covered by the System as a part-time employee prior to attaining sixty (60) years of age, his or her disability retirement will continue; however, his/her disability retirement will be subject to the same earnings limitation as age and service retirees in § 24-7-708.

2. A disability retiree shall not be permitted to purchase or establish service credit when employed in a part-time position.
3. A disability retiree shall not be given service credit during the time in which he/she receives a disability annuity (Act 541 of 1977).

Disability Retirant Employed Full Time After Attaining Age and Service Eligibility

1. When a disability retirant returns to a position covered by the System as a full time member upon attaining sixty (60) years of age, the retirant shall be treated as if he or she had retired under § 24-7-701 and will be subject to the same earnings limitation rules applicable to age and service retirants, including the earnings limitation.
2. The disability retirement benefit will not be suspended unless reaching the earnings limit under § 24-7-708.
3. The earnings limitation in § 24-7-708 shall apply.

See ATRS Rule No.10-2 for rules applicable to age and service retirants.

Amended: June 15, 2004
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